

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TONYA LATNEY,

Plaintiff,

V.

KARLA RUGGIERO, *et al.*,

Defendants.

ORDER

12 This matter is before the Court on Plaintiff's Response to the Court's Order to Show Cause
13 (ECF No. 5), filed on August 30, 2018.

14 Plaintiff is proceeding in this action *pro se* and she submitted a complaint on June 26, 2017.
15 See *Complaint* (ECF No. 1-1). The Court issued a Screening Order (ECF No. 2) granting
16 Plaintiff's request to proceed *in forma pauperis* and screened the complaint pursuant to 28 U.S.C.
17 § 1915(e). The undersigned found that Plaintiff's complaint failed to state a valid Title VII and
18 breach of contract claim against Defendant Valley Health System Summerlin Hospital and allowed
19 her until July 30, 2018, to file an amended complaint correcting the noted deficiencies. On August
20 22, 2018, the Court issued an Order to Show Cause instructing Plaintiff to show cause why this
21 matter should not be dismissed for failure to file an amended complaint. Plaintiff represents that
22 she misunderstood a previous order and believed that her case was dismissed.

23 The Court will provide Plaintiff another opportunity to file an amended complaint to
24 correct the deficiencies noted in the Court's order dismissing her Title VII claim against Defendant
25 Valley Health System Summerlin Hospital and her breach of contract claim without prejudice with
26 leave to amend. *See* ECF No. 2. Plaintiff shall file her amended complaint no later than **October**
27 **5, 2018.**

If Plaintiff elects to proceed in this action by filing an amended complaint, she is informed that the court cannot refer to a prior pleading in order to make her amended complaint complete. Local Rule 15–1 requires that an amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. *See Valdez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011); *see Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir.1967). Once Plaintiff files an amended complaint, the original pleading no longer serves any function in the case. Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each defendant must be sufficiently alleged. Plaintiff is advised that litigation will not commence upon the filing of an amended complaint. Rather, the Court will need to conduct an additional screening of the amended complaint pursuant to 28 U.S.C. § 1915(e). If Plaintiff fails to file an amended complaint or fails to cure the deficiencies identified above, the Court will recommend that the complaint be dismissed with prejudice. Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall have until **October 5, 2018** to file an amended complaint correcting the deficiencies noted in the Court's Order issued on July 2, 2018.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of the Court's Order (ECF No. 2) to Plaintiff.

Dated this 4th day of September, 2018.


GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE